

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE INC.,

Plaintiff,

v.

DOES 1- 100,

Defendants.

Case No.: 4:15-cv-00582

JURY TRIAL DEMANDED

REPORT OF RULE 26(f) ATTORNEY CONFERENCE

In accordance with the Court's Order to Conduct Rule 26(f) Conference dated February 4, 2016 and the Federal Rules of Civil Procedure, Plaintiff, Siemens Product Lifecycle Management Software Inc. (Plaintiff) hereby submits this Report of Rule 26(f) Attorney Conference held on February 23, 2016 between counsel for Plaintiff and counsel for Doe Defendant 17. Counsel for Doe Defendant 16 refused to participate in the Rule 26(f) conference and is not addressed in this motion. Following his participation in the Rule 26(f) conference, counsel for Defendant Doe 17, Mr. Warren Norred, retracted his participation in the joint report. Therefore, Plaintiff files this Report only on its behalf and states as follows:

1. Description of the Case

A. *Plaintiff's Factual and Legal Contentions:*

Plaintiff alleges that Defendant has and continues to infringe at least Copyright Registration Number TXu 1-769-323, which covers Plaintiff's NX software. Specifically, Plaintiff obtained and used unlicensed copies of Plaintiff's NX software.

B. *Defendant's Factual and Legal Contentions:*

Doe Defendant 17 has sought to dismiss this case under Fed. R. Civ. Proc. 12(b). Further, Defendant contends that he or she has been improperly joined. Doe Defendant 17 has offered no factual contentions at this time.

2. Jurisdictional Basis:

Federal Question Jurisdiction, 28 U.S.C. § 1331.

3. Correct Names of Parties:

The Plaintiff is Siemens Product Lifecycle Management Software Inc. The Defendant referred to herein has been identified as “Doe Defendant 17.” At this time, Plaintiff is unaware of the legal name of Doe Defendant 17, but it seeks to determine this information through a subpoena issued by this Court to Time Warner Cable, Doe Defendant 17’s Internet Service Provider. Time Warner Cable has not produced Doe Defendant 17’s subscriber information because of the motions pending before the Court.

4. Cases related to this case:

None.

5. Initial Disclosures:

Plaintiff completed its initial mandatory disclosures by March 7, 2016 as required by this Court’s February 4, 2016 Order. No defendants have made the Court-ordered disclosures.

6. Proposed Scheduling Order Deadlines:

Plaintiff proposes adopting the Court’s standard schedule as indicated below and in Appendix 1 attached hereto.

- (1) Deadline for Motions to Transfer: April 1, 2016.
- (2) Deadline to add parties: May 6, 2016.
- (3) Mediation must occur by this date: May 27, 2016.
- (4) Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): June 3, 2016.
- (5) Deadline for Plaintiff to file amended pleadings: June 17, 2016
- (6) Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): July 1, 2016
- (7) Deadline to object to any other party's expert witnesses is 6 weeks after disclosure of an expert is made.
- (8) Deadline for Defendant's final amended pleadings: July 1, 2016
- (9) Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions: July 1, 2016
- (10) All discovery shall be commenced in time to be completed by August 9, 2016.
- (11) Notice of intent to offer certified records: December 1, 2016
- (12) Counsel and unrepresented parties are responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form by December 1, 2016.
- (13) Video deposition designations are due by December 8, 2016.
- (14) Motions in limine are due by December 13, 2016.
- (15) Responses to motions in limine, file objections to witnesses, deposition extracts, and exhibits, listed in the pre-trial order are due by December 29, 2016.
- (16) The parties will file the proposed jury instructions/form of verdict by December 29, 2016.

7. Discovery:

(i) Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited:

Plaintiff expects to conduct discovery regarding Doe Defendant 17's acquisition and use of an unlicensed copy of its NX Software. Plaintiff has already sought expedited discovery from Defendant's Internet Service Provider. At this time, Plaintiff does not believe it is necessary to divide discovery into phases or limit discovery. Plaintiff believes allowing until August 9, 2016 would allow adequate time for discovery.

(ii) Any Issues Relating to Disclosure or Discovery of Electronically Stored Information:

None at this time.

(iii) Any Issues Relating to Preserving Discoverable Information:

Plaintiff's claims concern the downloading and unlicensed use of its NX Software by Doe Defendant 17. Discoverable information may be contained in Doe Defendant 17's computer and any equipment used by Defendant to access the Internet.

(iv) Any changes in limitations on discovery:

None at this time.

(v) Whether any Other Orders Should be Entered by the Court Pursuant to Fed. R. Civ. P. 26(c), 16(b) or 16(c):

Both parties will agree to a protective order regarding discovery.

8. Mediation:

Plaintiff does not believe that mediation would be productive at this time, and is unsure that Doe Defendant 17 would be willing to participate.

9. Identity of Persons Expected to be Deposed:

A. *Plaintiff:*

Plaintiff expects to depose the Defendant and any other persons to which Defendant may assign responsibility for the infringements of Siemens PLM's copyrights. Further, Plaintiff expects to depose any experts designated by Defendant.

B. *Defendant:*

10. Expected Length of Trial:

Plaintiff anticipates trial will take 2-3 days.

11. Attorneys Appearing on Behalf of the Parties at the Management

Conference:

Robert R. Riddle Texas Bar No. 24035495 Reed Smith, LLP 811 Main Street, Suite 1700 Houston, TX 77002-6110 rrdiddle@reedsmith.com Telephone: 713-469-3800 Facsimile: 713-469-3899 Plaintiff, Siemens Product Lifecycle Management Software Inc.	Warren Norred Texas Bar No. 24045094 Norred Law, PLLC 200 E. Abram, Ste 300 Arlington, TX 76010 wnorred@norredlaw.com Telephone: 817-704-3984 Facsimile: 817-524-6686 Defendant, Doe 17
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12. Magistrate:

Plaintiff consents to a trial before a magistrate judge.

**13. Any Other Matters Counsel Deem Appropriate for Inclusion in the Joint
Conference Report:**

None at this time.

Dated: March 22, 2016.

Respectfully Submitted,

/s/ Robert Riddle

Robert R. Riddle

Texas Bar No. 24035495

Reed Smith, LLP

811 Main Street, Suite 1700

Houston, TX 77002-6110

rrdiddle@reedsmith.com

Telephone: 713-469-3800

Facsimile: 713-469-3899

Attorney for Plaintiff Siemens Product
Lifecycle Management Software Inc.

CERTIFICATE OF SERVICE

I certify that the above document was served via the Court's CM/ECF system to all counsel of record on March 22, 2016, pursuant to L.R. CV-5(c).

/s/ Robert R. Riddle